

Appln. No. 09/931,336
Amendment dated 9/2/2003
Reply to Office Action mailed 4/1/2003

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 10 and 26 through 28 remain in this application. Claims 11 through 25 have been cancelled without prejudice as being directed to a non-elected invention. No claims have been withdrawn. Claims 29 through 34 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 2 and 3 of the Office Action

The drawings have been objected to.

With respect to the objection in paragraph 2, the specification has been amended to clarify that the reference numbers "24" and "26" on page 8 of the specification refer to the first and second sides that are also referred to on page 11.

With respect to the objection in paragraph 3, submitted with this Amendment is applicant's proposed amendment of the drawing. Specifically, in Figure 2, the reference numbers "39" and "39" have been added to the drawing figure to specify the indicia on the first and second areas (respectively) of the base panel.

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

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Paragraphs 4 and 5 of the Office Action

Claims 1 through 7 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rankin et al (6,447,862).

Claims 8, 10, 27 and 28 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Rankin et al.

Claim 1 requires "a second leaflet being positioned forward of the first leaflet such that at least a portion of the first leaflet is positioned between the second leaflet and the base panel".

It is alleged in the Office Action that the Rankin reference teaches "a second leaflet or second folded panel (16e) positioned forward (at least at the fold) of the first leaflet. . ." This statement, and the focus on the location of the fold of the second leaflet with respect to the first leaflet) appears to suggest that the claim requirements are being interpreted such that the forward direction on the label structure is toward one edge of the label structure rather than being toward the laminating layer. Claim 1 has been amended to clarify that the label structure has a front surface and a back surface, and thus clarifies that the second leaflet is located closer to the front surface of the label structure than the first leaflet. It is therefore submitted that the Rankin reference does not anticipate the combination of requirements of claim 1, especially the positioning requirement of the second leaflet in claim 1.

Additionally, claims 3 and 6 each require "wherein the back face of the laminating layer is adhered to a portion of the first leaflet and a portion of the second leaflet". This feature of the invention helps to hold each of the first and second leaflets in place with respect to each other without, for example, the need to use staples or other mechanical fasteners to secure the leaflets on the label. (See the applicant's specification at, for example, page 12, lines 1 et seq.)

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In the Office Action, it is alleged that the Rankin reference discloses "the laminating layer is adhered (not directly adhered) to a portion of the first and second leaflet (wherein the second leaflet *is attached to* the first leaflet)" (emphasis added). This statement appears to equate some perceived attachment of the laminate 18 to the pamphlet panels that are nested inside and located between pamphlet panels 16a and 16n in the Rankin patent to the requirement of claims 3 and 6 that "the laminating layer is adhered to a portion of the first leaflet and a portion of the second leaflet". However, the interpretation of "adhered to" in the Office Action is not consistent with the recognized meaning of "adhere", as the alleged attachment of the laminate 18 to an inner pamphlet through an outer pamphlet in which the inner pamphlet is nested does not produce any adhesion, or even contact, between the inner pamphlet and the laminate of Rankin. This broad reading of "adhered to" is not supported by the dictionary definition of "adhere", as is evidenced by the definition of "adhere" in Exhibit A included with this Amendment. In that definition of "adhere" on page 14 of the Merriam-Webster Collegiate Dictionary (10th Edition), it is stated to mean to hold fast or stick by or as if by gluing, suction grasping, or fusing". It is submitted that by this definition of the meaning of "adhere", the laminate 18 of Rankin is not "adhered to" the inner pamphlet panel. Therefore, it is submitted that the Rankin teaching does not disclose or suggest the requirements of claims 3 and 6.

Claim 5 requires "wherein the first fold axis is *transversely spaced* from the second fold axis such that the first fold axis of the first leaflet is located relatively closer to the first side of the label structure than the second fold axis of the second leaflet". Similar to the benefits of the requirements of claims 3 and 6 discussed above, the transverse spacing of the first and second folds of the respective first and second leaflets permits the laminating layer to secure both the first and second leaflets without

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having to resort to additional fastening structures such as staples, adhesives, etc. that extend between the leaflets.

The Office Action does not make any affirmative allegation that the Rankin reference anticipates the transversely spaced relationship between the first and second fold axes, and in fact the Rankin reference does not teach or even suggest the transverse spacing of the first and second fold axes. Rankin clearly teaches a staple extending between the pamphlet panels at the folds of the inner and outer pamphlets that place the folds of the inner and outer pamphlets in direct abutment with each other. See, e.g., Rankin at col. 4, lines 45 through 47:

The pamphlet panels 16a-16n are attached together by one or more staples 19 at a multi-layer fold 21 in the pamphlet 16.

Therefore, the attachment of the pamphlet panels of Rankin together at the folds requires that the folds not be spaced from each other, as the staple attachment would necessarily force the folds of the pamphlet panels together in an abutted relationship, which is contrary to the "transversely spaced requirement of claim 5.

In the rejection of paragraph 5 of the Office Action, the allegation is made that "it would have been obvious. . . to place the first and second leaflets, and their folds at any desirable location under the laminating layer and above the base panel, since it has been held that rearranging parts of an invention involves only routine skill in the art". However, the claimed invention does not represent a mere rearrangement of parts with respect to the Rankin teaching. The relationships between the first and second leaflets and the lamination layers in the claims of the present application produces a label structure that provides multiple leaflets without requiring the separate fastening of each of the leaflets together. The separate fastening of the leaflets together requires additional steps in the assembly process of the label structure. Clearly, the avoidance of these extra steps results in a label

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structure that is easier and less expensive to make. This advantage is discussed in greater detail in the present application at page 12, line 22 through page 13, line 4. This advantage of the invention is in contrast to the structure advocated by the Rankin teaching which requires a separate fastening between all of the nested pamphlet panels to keep the inner pamphlet panels from separating from the outer pamphlet panel when the label is opened up.

Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 10 and 27 through 28 is therefore respectfully requested.

Paragraph 6 of the Office Action

Claim 26 has been allowed.

Added Claims

Added claim 29 requires that "the second leaflet is stacked on the first leaflet". As the Rankin reference clearly teaches an inner pamphlet nested in an outer pamphlet, it is submitted that Rankin could never lead one of ordinary skill in the art to the requirements of claim 29.

Added claim 30 requires that "the laminating layer is forward of the base panel and the base panel is rearward of the laminating layer" and that "an entirety of the second leaflet is positioned forward of the first leaflet". Clearly, the nested relationship between the inner and outer nested pamphlets of the Rankin label would not lead one of ordinary skill in the art to the claimed relationship.

Added claim 31 requires that "the laminating layer is forward of the base panel and the base panel is rearward of the laminating layer" and that "the second leaflet does not extend rearwardly of the first leaflet". Added claim 32 requires that "the first leaflet does not extend forwardly of the second leaflet". Again, the nested relationship between the inner and outer

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nested pamphlets of the Rankin label would not lead one of ordinary skill in the art to the claimed relationship.

Added claim 33 requires that "the first fold of the first leaflet is transversely spaced from the second fold of the second leaflet". As noted previously, the Rankin reference clearly teaches one of ordinary skill in the art to staple the pamphlets together in a manner that would prevent any spacing of the folds from each other.


Added claim 34 requires that "the laminating layer contacts both the second leaflet and the first leaflet". It is clear from the Rankin disclosure that the laminate does not contact the inner pamphlet of the nested inner and outer pamphlets, and thus the Rankin reference would not lead one of ordinary skill in the art to the claimed relationship of the laminating layers and the first and second leaflets.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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